IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 14987 of 2004

Between:

Mohd.Ismail s/o. Late Mohd Ali
2-6-1564, Near Circuit House,

Gokul Nagar, Hanamkonda, Warangal District. **.... PETITIONER**

AND

1 The Commissioner Municipal Corporation, Warangal
Warangal District.
2 Nakka Bhasker S/o. Ilaiah
R/o. 2-4-743, Gokul Nagar, Hanamkonda, Warangal District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus, declaring the action of the 1st respondent in issuing the impugned Notice Dt.19.8.2004 stating that the shed bearing No.2-6-1564, situated at Circuit House, Gokul Nagar, Hanamkonda, Warangal District in occupation of the peititioner, is in ruinous condition and directing the petitioner to remove the danger structures forthwith within 24 hours, failing which they would remove the same departmentally without any further intimation, is highly arbitrary, illegal and ill-motivated and consequently quash the impugned notice dt.19.8.2004 bearing Roc No.G2/21629/2004 issued by the 1st respondent and to pass.

Counsel for the Petitioner:MR.P.SHIV KUMAR

Counsel for the respondent No.1 :A.Venugopal Reddy

Counsel for the Respondent No.2: MR.N.V.RANGA RAO

The Court made the following :

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 14987 OF 2004

ORDER:

Heard learned counsel for petitioner, learned Standing Counsel for first respondent and learned counsel for second respondent. All the counsel had agreed for disposal of the writ petition, at the stage of admission.

Learned counsel for petitioner submitted that the petitioner herein is tenant of shop no.2-6-1564, Gokul nagar, Hanamakonda, Warangal and running a steel almarah manufacturing work shop. It stated that rent control proceedings are pending in R.C.A.No.12 of 2002 on the file of Principal Senior Civil Judge, Warangal and the petitioner has obtained order of stay of execution in I.A.No.839 of 2002. It is further stated that to throw out the petitioner from the said premises, the impugned notice under section 456 of the Hyderabad Municipal Corporation Act was issued.

On the other hand, learned standing counsel for first respondent submitted that as against the impugned notice dated 19-8-2004, an appeal lies under section 456 of the Hyderabad Municipal Corporation Act to the District Judge and without availing such remedy, the petitioner has directly approach this Court.

In the circumstances, the writ petition is disposed of permitting the petitioner to move the appeal under Section 456 of the Hyderabad Municipal Corporation Act, to the concerned District Judge, within a period of four weeks from today. Till such time, status quo existing as on today shall be maintained by the parties. No costs.

_____ N.V.RAMANA,J

29-11-2004

TVK/NSR

To

1.. The Commissioner,

Municipal Corporation of Warangal
Warangal District.

2.. Nakka Bhasker S/o. llaiah
R/o. 2-4-743, Gokul Nagar, Hanamkonda,

Warangal District.

3.. 2CCs to

4. 2CD copies

*Form-NIC-OGS/WP{**MPL**}*